

February 20, 1975

SPEAKER: LB 293.

CLERK: Read bill.

SPEAKER: Would the Clerk please read the amendments.

CLERK: Yeah, the amendments, Mr. President, they are set out in the Bill Book, attached to the bill. It's on page 2, line 9, strike the underscored period. Line 10 reinstate "applying the customary rules of evidence". Line 11 reinstate "in use of, and trials without a jury". Line 12 reinstate the stricken matter. On page 3, line 1 strike "has". Line 2 strike "accused" and insert "testifies against". Line 3 strike "and". Line 5 strike the underscored period and insert an underscored semicolon. After line 5 insert the following "f) of the rights of a child to speedy adjudication; g) of the right to appeal." Signed, Senator Luedtke, Chairman.

SPEAKER: Senator Barnett.

SENATOR BARNETT: Mr. President, members of the Legislature, I move for the adoption of the committee amendments to LB 293. The committee amendments actually add two more rights. On page 3, if you'll follow with me, after line 5 you have to add section f and g and put in "speedy adjudication" and "the right of appeal" which they do not have. At this time they do have it under LB 620 but not in this bill. This bill sets forth, and if I can I think it's probably best to talk about the bill right with the amendments so that you can understand it. This amends the present conduct of the juvenile hearings and gives the child . . . tells the child of his rights. This has always been a question as to when you are to give a child rights. When you do it in the investigative field it's even tougher because you never know which child you're supposed to give the rights to. If their parents should be there or what. Under this bill, and Judge Mackin of Scotts Bluff wanted some amendments put back in on page 2 he wanted the stricken matter, as you'll see on page 2, he wanted to replace & put back into it "applying the customary rules of evidence in use in trials without a jury". He thought that was necessary that they have the customary rules of evidence when the child is tried in front of a judge. It also will give the child the right to confront anyone who testifies against him, cross-examination. The child can call witnesses on his own behalf. It advises him of self-incrimination, about having a counsel present at the trial. You'll notice that this whole bill is designed to tell the children that they, in court, have certain rights that have to be followed. That is the purpose of LB 293. Therefore, I would move for the adoption of the amendments to LB 293.

SPEAKER: Senator Kime.

SENATOR KIME: Mr. Chairman, members of this committee, I would like to have a question from Senator Barnett.